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T-828 P.004/016 F-369

**JAN 0 6 2005** 

PTO/\$B/64 (09-04)

Approved for use through 07/31/2006. OMB 0851-0031

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ABANDONED UNINTENTIONALLY UNDER 37 CFR	MST-2322.1 (BYR-83)							
First named inventor: Gregory A. FARRELL								
Application No.: 09/549,036 Art Unit:		'43						
Filed: April 13, 2000	Examiner: HAN	NDY, Dwayne K.						
Title: VARIABLE RATE PARTICLE COUNTER AND METHOD OF USE								
Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 FAX (703) 872-9306  NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.  The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.  APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION  NOTE: A grantable petition requires the following items: (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and (4) Statement that the entire delay was unintentional.  1.Petition fee Small entity-fee \$(37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.  X Other than small entity – fee \$(37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.  A The reply and/or fee to the above-noted Office action in the form of Amendment (identify type of reply):  has been filed previously on is enclosed herewith.								
B. The issue fee and publication fee (if applicable) of S has been paid previously on is enclosed herewith.	B							
[Page 1 of 2]								

Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the Individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Tradamark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450, DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Polition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTC/SB/64 (09-04)

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3. Terminal disclaimer with disclaimer fee					
Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.					
A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ for a small entity or \$ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).					
4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]					
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Clease Northern September 29, 2004					
Signature Date					
·					
Charles B. Rodman 26,798  Typed or printed name Registration Number, if applicable					
Typed or printed name Registration Number, if applicable					
7 South Broadway (914) 949-7210					
Address Telephone Number					
White Plains, New York 10601					
Address					
Enclosures: x Fee Payment					
Terminal Disclaimer Form					
Additional sheets containing statements establishing unintentional delay					
Other:					
CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]					
I hereby certify that this correspondence is being:  Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.					
Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.					
September 29, 2004 Date  Claude Nording Signature					
Charles B. Rodman  Typed or printed name of person signing certificate					

From-RODMAN & RODMAN

September 29, 2004

Date

PTO/SB/17 (10-03)
Approved for use through 07/31/2006. OMB 0851-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

FEE TRANSMITTAL  for FY 2004  Effective 1001/2003 Palent fees are subject to annual revision.  Application Number 0.95/549, 0.336  Filing Date 0.4/13/2000  First Named Inventor Gregory A. FARRELL  Examiner Name Dwayne K. HANDY  Art Unit 1743  Attorner Docket No. MST-2322.1(BYR-83)  METHOD OF PAYMENT (chock all that apply)  Check or Tordic card making or the filing fee or card free?  Deposit Account:  Depo	Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid Unite Control number.								
Filing Date   O4/13/2000   Filing Date   O4/13/2000   Filing Named Inventor   Gregory A.FARRELL   Examiner Name   Dwayne K. HANDY   Art Unit   17.43   Attorney Doctote No.   MST-2322.1(EYR-83)   METHOD OF PAYMENT (chock all that apply)   FEE CALCULATION (continued)   3. ADDITIONAL FIES   Account   Name   Na	FEE TOANGMITTAL	1							
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Applicant claims small entity status. See 37 CFR 1.27   TOTAL AMOUNT OF PAYMENT (\$) 1,330   Attorney Docket No.   MST-2322.1(BYR-83)   METHOD OF PAYMENT (check all that apply)   FEE CALCULATION (continued)   Check   Credit card   Money   Check all that apply)   See   Check   Credit card   Money   Credit c	TOI FT 2004		First N	lamed i	nvento	Grego	ory A.FARRELL		
METHOD OF PAYMENT (chock all that apply)    Check   Credit card   Money   Other   None   Order   None   Order   Other   None   Order   Other   None   Order   Other   None   Order   Other   Other   Order   Other			Exami	iner Nar	пе	Dway	Dwayne K. HANDY		
Check   Credit card   Money   Other   None   Other   None   Other			Art Ur	nit					
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